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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/862,891	05/22/2001	Erin M. Defosse	064814.0145	8850
31625	7590	06/01/2005	EXAMINER	
BAKER BOTTS L.L.P. PATENT DEPARTMENT 98 SAN JACINTO BLVD., SUITE 1500 AUSTIN, TX 78701-4039			LUU, LE HIEN	
			ART UNIT	PAPER NUMBER
			2141	

DATE MAILED: 06/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/862,891

Applicant(s)

DEFOSSE, ERIN M.

Examiner

Le H Luu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>01/11/02- 03/09/05</u> . | 6) <input type="checkbox"/> Other: _____ |

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1. Claims 1-27 are presented for examination.
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

or

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1, 3-5, 7-11, 13-18, and 20-21 are rejected under 35 U.S.C. § 102(e) as being anticipated by Schneider et al. (Schneider) patent no. 6,304,895, and Andrews patent no. 5,649,308. Andrews is being cited to support Schneider's inherent teachings.

4. As to claim 1, Schneider teaches the invention as claimed, including an apparatus for the remote monitoring and control of a computing component, the apparatus comprising:

at least one processor (col. 3 line 56 - col. 4 line 16; col. 5 lines 48-59);

at least one memory operably coupled to the processor (col. 3 line 56 - col. 4 line 16; col. 5 lines 48-59);

a communications interface operably coupled with the processor and the memory; the communications interface operable to receive information from and transmit information to a first computing component (col. 4 line 63 - col. 5 line 10);

a wireless transceiver operably coupled to the processor and the memory; the transceiver operable to transmit information to and receive information using a radio frequency in the range of 800 MHz to 2.4 GHz from a communications network (col. 4 line 63 - col. 5 line 10; Schneider inherently teaches a communication device 53 includes a wireless transceiver for wireless communication using a radio frequency in the range of 800 MHz to 2.4 GHz. Schneider's inherent teachings can be found in Patent No. 5,649,308 issued to Andrews);

at least one program of instructions storable in the memory and executable by the processor; and the program of instructions operable to monitor at least one

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characteristic of the computing component and to control at least one function of the first computing component (col. 5 lines 20-27; col. 6 lines 14-25).

5. As to claims 3-4, Schneider teaches at least one LAN transceiver operably coupled to the processor; and the LAN transceiver operable to transmit information to and receive information from a network; the LAN transceiver operable to communicate with at one intelligent management and control transceiver (col. 4 line 63 - col. 5 line 10).

6. As to claim 5, Schneider teaches a power supply operably coupled to at least the processor and the memory (col. 12 lines 61-67).

7. As to claims 7-8 and 11, Schneider teaches the transceiver operable to communicate computing component status to a remote device; a program of instructions storable in the memory and executable by the processor operable to test at least one computing component capability; the transceiver operable to transmit information to and receive information from a wireless communications network (col. 4 line 63 - col. 5 line 27).

8. As to claim 9, Schneider teaches the processor, the memory, the communications interface and the transceiver integrated onto a computing component expansion card (col. 6 lines 9-14).

9. As to claim 10, Schneider teaches the communications interface operable to receive information from and transmit information to at least one computing component operably coupled to the first computing component (col. 5 lines 20-27).

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 2, 6, 12, 19, and 22-27 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Schneider et al. (Schneider) patent no. 6,304,895, and Andrews patent no. 5,649,308, in view of Fowler et al. (Fowler) patent no. 6,714,977.

12. As to claim 2, Schneider teaches the invention substantially as claimed as discussed above; However, Schneider does not explicitly teach using environmental sensor to measure environmental characteristic of a computing component.

Fowler teaches monitoring processor temperatures, and various environmental parameters of server (col. 6 lines 45-62, figure 17).

It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention to combine the teachings of Schneider and Fowler to use

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environmental sensor to measure environmental characteristic of a computing component because it would report on out-of-limit conditions of computing components.

13. As to claim 6, Fowler teaches the program of instructions operable to effect monitoring and control instructions communicated from a web page (col. 4 lines 15-18; col. 7 lines 7-25).

14. As to claim 12, Fowler teaches the program of instructions operable to generate an alert upon detection of a monitored event; and the transceiver operable to communicate the alert to the communications network (col. 16 lines 57-64).

15. Claims 13-27 have similar limitations as claims 1-12; therefore, they are rejected under the same rationale.

16. Applicant's arguments filed on 03/09/2005 have been fully considered but they are not deemed to be persuasive as discussed in item 4 above.

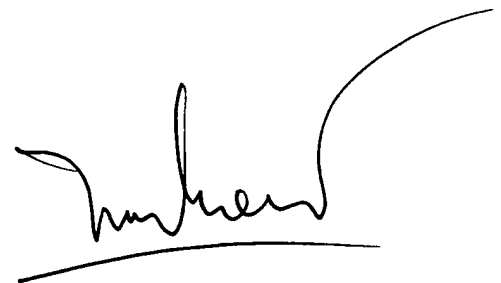
17. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Le H Luu whose telephone number is 571-272-3884. The examiner can normally be reached on 7:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Le Hien Luu', is written over a horizontal line.

LE HIEN LUU
PRIMARY EXAMINER

May 27, 2005